

## REMARKS

Favorable reconsideration in view of the following remarks is respectfully requested.

Claims 11-20 are pending.

The Office Action rejects claims 11, 13 and 15-20 under 35 U.S.C. §102(b) over JP 6-062977 to *Tanaka et al.*; rejects claim 12 under 35 U.S.C. §103(a) over *Tanaka* in view of JP 2004-254989 to *Nakamura*; and rejects claim 14 under 35 U.S.C. §103(a) as being unpatentable over *Tanaka*.

Applicant's independent claim 11 is directed to a hand drying apparatus comprising, in combination with other claimed features, a hand insertion chamber having a hollow portion and an opening for inserting a hand in the hollow portion. The hollow portion is defined by a first inner surface and a second inner surface. A first air opening is arranged on the first inner surface and is configured to blow a first air jet towards the second inner surface. A second air opening is arranged on the second inner surface and is configured to blow a second air jet towards the first inner surface. The first air opening is arranged at an interior side of the hollow portion with respect to the second air opening such that the axes of the first air jet and the second air jet do not collide. A portion of the first inner surface between the opening of the hollow portion and the first air opening that receives the second air jet from the second air opening is inclined toward the interior of the hollow portion.

Such features encompass Applicant's exemplary embodiment as illustrated in Fig. 1 wherein hand drying apparatus 1 includes a hand insertion chamber 2 having a first inner surface 4 and a second inner surface 6. First air opening 15 blows a first air jet "a" towards the second inner surface 6. Second air opening 16 blows a

second air jet "c" toward the first inner surface 4. The first inner surface 4 includes a sloping surface 17. The second air jet "c" from the second nozzles 16 collides with the sloping surface 17 and flows backward along the contour of the sloping surface 17 and hits and pushes the first air jet "a" from the first nozzle 15 downward.

Because of the streamlined concave curvature of the sloping surface 17, no noise is produced when the second air jet "c" collides with the sloping surface 17. See paragraph [0021] of Applicant's as-filed specification. Further, the noise is subdued as the vertical displacement between the first air jet "a" from the nozzle 15 and the second air jet "c" from the second nozzle 16 is further accentuated due to the former being pushed down by the latter, avoiding direct collision of the first air jet "a" with the second air jet "c." See paragraphs [0030] and [0031].

In *Tanaka*, a hand insertion unit 6 includes hand inserting part 7. In, for example, Fig. 1, nozzles 12 are arranged on right and left surfaces of the hand inserting part. The nozzle arranged on the right side is arranged at an interior side of the hollow portion with respect to the nozzle arranged on the left side.

Consequently, the nozzle on the left side must correspond to Applicant's claimed second air opening. The nozzle on the left side emits an air jet that strikes the surface roughly shown by element 13 in Fig. 1 of *Tanaka*. This surface is not inclined toward an interior of the hollow portion as in Applicant's independent claim 11. Thus, claim 11 is distinguishable over *Tanaka*.

The Office Action provisionally rejects claims 11-20 on the ground of non-statutory obviousness type double patenting over claims 11-21 of U.S. Patent Application No. 10/585,920 in view of *Tanaka*. This rejection is respectfully traversed.

Claims 11-20 of U.S. Patent Application 10/585,920 in view of *Tanaka* do not disclose or suggest a portion of the first inner surface that receives the second air jet from the second air openings is inclined toward the interior of the hollow portion and a portion of the first inner surface that receives the second air jet from the second air opening is inclined toward the opening of the hollow portion as recited in independent claim 11 of this application. Thus, withdrawal of the obviousness type double patenting rejection is respectfully requested. In the event the Examiner maintains the obviousness type double patenting rejection, Applicant respectfully requests that this rejection be held in abeyance because it is provisional.

The dependent claims are allowable for at least the reasons discussed above as well as for the individual features they recite.

Early and favorable consideration with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC



By:

Michael Britton  
Registration No. 47,260

Date: March 16, 2009

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620